

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
Request for Review of a Decision of the)	Administrator Correspondence Dated
Universal Service Administrative Co. for)	November 2, 2016
Grundy County Schools)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6, 96-45
Support Mechanism)	

**REQUEST FOR REVIEW OF DECISION OF THE UNIVERSAL SERVICE ADMINISTRATION
COMPANY, SCHOOLS AND LIBRARIES DIVISION BY GRUNDY COUNTY SCHOOLS, OR IN THE
ALTERNATIVE, REQUEST FOR A WAIVER OF SECTION 54.511(a) OF THE COMMISSION'S
RULES**

Appellant/Organization Name	Grundy County Schools
Funding Year	2015
Entity Number	128262
FCC Form 471 Number	1005087
Funding Request Number	2736134

In accordance with sections 54.719 through 54.721 of the Commission's rules, Grundy County Schools ("GCS" or "Applicant") requests the Federal Communications Commission's ("FCC" or "Commission") review of a decision of the Schools and Libraries Division of the Universal Service Administrative Company ("USAC" or "Administrator")¹. GCS requests the Commission consider the information set forth in this appeal that supports GCS's extenuating circumstances which resulted in a late filing of a Form 486 and fully reinstate the funding for the associate funding request.

OVERVIEW

Grundy County Schools is a school district comprised of 7 schools serving approximately 2,100 students. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts on eligible telecommunications services, Internet access, internal connections, and basic maintenance of internal connections. Under this regulatory authority, GCS annually submits E-rate application(s) for discounts on eligible products and services.

BACKGROUND and REQUEST FOR REVIEW

We are asking the Commission to review the Administrator's decision to significantly reduce Funding Request Number 2736134 by adjusting the Service Start Date where the District was unaware it had not adhered to the procedural deadline for Funding Year 2015 of the corresponding Form 486.

In its review, the Administrator determined that the Applicant missed the "120-DAY 486 DEADLINE." We will show in this appeal that the Applicant experienced extenuating circumstances consisting of filing a timely Form 486 for a 2016 Form 471 application that was cancelled during PIA review rather than filing a Form 486 for the Form 471 application that was funded on July 31, 2015.

¹ See attached **GrundyCountyForm486Notification**

On July 31, 2015, USAC issued funding commitment decision letters for Priority One 471 applications 1005087 and 1011299. The FCDL for Form 471 #1005087 had a calculated Form 486 submission deadline of on or before November 28, 2015. The FCDL for Form 471 #1011299 did not have an associated Form 486 deadline as the FCDL was issued with a commitment of \$0.00 since the form was requested to be cancelled during Program Integrity Assurance review.

Grundy County Schools was made aware of the 'missing' Form 486 for Form 471 #1005087, FRN 2736134 on October 20, 2016 via an email from the Tennessee State E-Rate Coordinator¹ and took steps immediately to correct the situation. Grundy County Schools then discovered they had erroneously filed a TIMELY Form 486 for the CANCELLED Form 471 application #1011299 on October 14, 2015².

Due to the obvious error that occurred, we ask that the FCC review the Administrator's decision and offer relief to the District and allow the service start date for the approved Funding Year 2015 funding request to start on July 1, 2015. The District believes that the above explanation illustrates special circumstances and thus should warrant a deviation from the 120-day guideline. Reduction of funding in this case would inflict undue hardship on the District.

We do not believe that the Applicant should be penalized with almost complete reduction of its funding commitment due to a clearly clerical error regarding its form submission.

Considering the information set forth in this appeal, we urge the Commission to reconsider the decision made by the Administrator to reduce Funding Request Number 2736134 and restore the FRN to its original approved funding request level by allowing the service start date be changed to July 1, 2015. Loss of this funding would inflict undue hardship on the District. The District relies upon Universal Service funds for support of essential Broadband connectivity and communications services. Without these funds,

¹ See attached GrundyCountyForm486WaiverAttachment1

² See attached GrundyCountyForm486WaiverAttachment2

the District will be forced to use its General Funds to pay for these services, funds which could be used for teachers' salaries and other critical education functions.

REQUEST FOR WAIVER

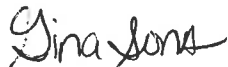
If the Commission does not grant GCS's appeal, the District requests, in the alternative, and pursuant to Section 1.3 of the Commission's Rules, that the Commission grant a waiver of its rules to permit GCS to qualify under the Telecommunications Act. 47 C.F.R § 1.3. For the reasons detailed below, GCS believes such a waiver is equitable and consistent with the Act as well as prior Commission waivers relating to missed procedural deadlines.

Section 1.3 provides that the Commission may waive its rules "if good cause therefore is shown." 47 C.F.R § 1.3. A waiver is appropriate here because GCS complied with the requirements of the Telecommunications Act. The only reason funding has been reduced is that the Applicant missed a procedural deadline.

There is no evidence in the record that GCS engaged in activity intended to defraud or abuse the E-rate program. Reducing its request for funding would create undue hardship and prevent it from receiving E-rate funding for E-Rate eligible services already provided by the contracted service provider. Accordingly, good cause exists to grant GCS a waiver of section 54.511(a) of the Commission's rules.

We appreciate your consideration of our request and anxiously await your decision.

Most Sincerely,



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